

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for granting the telephone interview conducted on July 14, 2009. During the interview, proposed amendments were presented by the applicant's representative. A further explanation regarding the distinctions between the claimed subject matter and the prior art references, namely Chen, Kawano, Goto, and Anderson, was presented as well. In particular, all cited references fail to disclose all the limitations as required in proposed independent claim 1, and new independent claims 54 and 55. The Examiner agreed to reconsider the application in light of the argument and proposed amendments presented during the interview.

By the present amendment, claims 1-14, 16, 19-21, 23-37, 39-41, and 53 remain in this application. Claims 15, 22, and 42-45 are canceled in the present application while claims 17, 18, 38, and 46-52 have been canceled previously. Applicant amends claims 1, 3, 4, 21, 24, 27-29, 32, 35, 36, 39, and 53 in the present application to more clearly and particularly describe the claimed subject matter. New claims 54 and 55 are added without introducing new matter. Applicant respectfully requests reconsideration and allowance.

Specification

The amendment filed 3/4/2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. Claims 1 and 35 have been amended per the Examiner's request, and claim 42 has been canceled. Thus, the objection as it applies to the specification is moot.

Claim rejections 35 USC § 112

Claims 1, 35, and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1 and 35 have been amended per the Examiner's request, and claim 42 has been canceled. Thus, it is respectfully requested that the rejection of claims 1 and 35 be withdrawn.

Claims 42-45 are rejected under 35 U.S.C. 112, second paragraph, as no disclosure or insufficient disclosure of the structure, material, or acts for performing the functions recited in a claim limitation invoking 35 U.S.C. 112, six paragraph. Claims 42-45 have been canceled, and thus, it is respectfully requested that the rejection of claims 42-45 be withdrawn.

Claim Rejections - 35 USC § 103

Claims 1-10, 15, 16, 19, 20, 22-26, 29, 30, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng *et al.* (USPN 6,151,643), hereinafter "Cheng", in view of Kawano *et al.* (USPN 7,316,013), hereinafter "Kawano". The rejection is respectfully traversed for at least the following reasons, although independent claim 1 has been amended to distinguish further the claimed subject matter from the references. The amendment is supported by the disclosure in the specification and the features recited in the canceled claim 22.

Amended claim 1, in part, explicitly requires the steps of "recording said transaction identifier of the hardware unit and said associated selection data in a central database operatively connected to the second software handling machine"; and "determining, by the download supervisor of the second software handling machine, the selection data for the hardware unit by looking up the transaction identifier of the hardware unit in the central database". Regarding the "transaction identifier" and "selection data", claim 1 further requires "wherein the transaction identifier identifies the hardware unit", and "selection data indicating the selected software for

which said up-to-date versions of selected software are to be downloaded to the hardware unit”.

Cheng and Kawano, alone or in combination, neither teach nor suggest the above-mentioned limitations. Cheng discloses a service provider computer system (102) which provides authentication but does not record transaction identifier in a central database that identifies a hardware unit and has associated selection data indicating selected software as required in claim

1. Kawano merely discloses an authentication agent server (2) which does not overcome the deficiency of the Cheng’s reference. Accordingly, Both Cheng and Kawano fail to teach all limitations of amended independent claim 1. Thus, it is respectfully requested that the rejection of claim 1 be withdrawn.

Claim 2-10, 16, 19, 20, 23-26, 29, 30, and 34 depend from independent claim 1 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 1.

Claims 15 and 22 have been canceled in the present application.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Kawano, and further in view of Anderson *et al.* (USPN 7,143,408), hereinafter “Anderson”. Claims 11-14 depend from independent claim 1 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 1.

Claims 35, 37, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Anderson. The rejection is respectfully traversed for at least the following reasons, although independent claim 35 has been amended to distinguish further the claimed subject matter from the references.

Similar to the explanation above with respect to the patentability of claim 1, Cheng fails to teach all limitations as required in amended claim 35. Anderson also fails to overcome the

deficiency of the Cheng's reference. Thus, it is respectfully requested that the rejection of claim 35 be withdrawn.

Claim 37 and 41 depend from independent claim 35 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 35.

Claims 42, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Kawano. Claims 42, 44, and 45 have been canceled in the present application.

Claims 21 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Kawano, and further in view of Gulliver *et al.* (20040054597), hereinafter "Gulliver". Claims 21 and 53 depend from either independent claim 1 or 35 and are, therefore, allowable for at least the reasons provided in support of the allowability of claims 1 and 35.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Kawano, and further in view of Gulliver. Claims 27 and 28 depend from independent claim 1 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 1.

Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Kawano, and further in view of Kato *et al.* (USPN 6,470,496). Claims 31 and 32 depend from independent claim 1 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 1.

Claims 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Kawano, and further in view of Toivonen *et al.* (USPN 7,345,232 B2). Claims 33 and 40 depend from either independent claim 1 or 35 and are, therefore, allowable for at least the reasons provided in support of the allowability of claims 1 and 35.

Claims 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Kawano, and further in view of Goto (20010047514 A1), hereinafter "Goto". Claims 36 and 39 depend from independent claim 35 and are, therefore, allowable for at least the reasons provided in support of the allowability of claim 35.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng in view of Kawano, and further in view of DaCosta *et al.* (20020120725). Claim 43 has been canceled in the present application.

Independent claims 54 and 55 have been newly added to the application. Claims 54 and 55 are patentable as they do not introduce any new matter and define further features not disclosed in or suggested by the cited references.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ACER-45263.

Respectfully submitted,
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